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Vilma I. Fernandez
Vilma I. Fernandez

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.	09/909,238
APPLICANT	GERD HOBOM ET AL.
FILED	July 19, 2001
EXAMINER	TO BE ASSIGNED
ART UNIT	1614
FOR	RECOMBINANT INFLUENZA VIRUSES WITH BICISTRONIC vRNAs CODING FOR TWO GENES IN TANDEM ARRANGEMENT

Hon. Assistant Commissioner of Patents
United States Patent and Trademark Office
BOX SEQUENCE
PO BOX 2327
Arlington, VA 22202

March 7, 2003

RESPONSE AND AMENDMENT

Sir:

This communication is in response to the Office Action dated January 30, 2003.

Entry of the amendments and consideration of the remarks is respectfully solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

ITEMS BEING SUBMITTED

Submitted herewith is/are

- a) A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 1.821(e) and 1.824.
- b) A statement that the content of each "Sequence Listing" previously submitted and each computer readable copy are the same, as required in 37 CFR 1.821(g).
- c) A statement under 37 CFR 1.821(g) that the submission includes no new matter.
- d) A copy of the NOTICE TO COMPLY...SEQUENCE DISCLOSURES.

**STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

I hereby state that each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate. All papers accompanying this submission, or for which a request for transfer from applicant's other application, introduce no new matter.

Respectfully Submitted,

Norris, McLaughlin & Marcus
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Telephone (212) 808-0700
Facsimile (212) 808-0844



Theodore Gottlieb, PhD
Reg. No. 42,597



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/909,238	07/19/2001	Gerd Hobom	100725-10/Kreisler 1092-K

CONFIRMATION NO. 8656

27384
KURT BRISCOE
 NORRIS, MC LAUGHLIN & MARCUS, P.A.
 220 EAST 42ND STREET, 30TH FLOOR
 NEW YORK, NY 10017

FORMALITIES LETTER



OC000000009451777

Date Mailed: 01/30/2003

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/909,238D

Filing Date: 07/19/2001

Date Processed by STIC: 11/15/03

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

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 Other:



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<http://www.uspto.gov/web/offices/pac/checker>

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Revised 01/29/2002

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PTO/SB/21 (12-97)

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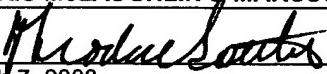
(To be used for all correspondence after initial filing)

		Application Number	09/909,238
		Filing Date	July 19, 2001
		First Named Inventor	HOBOM et al.
		Group Art Unit	1614
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission		Attorney Docket Number	100725-10/Kreisler 1092-KGB

ENCLOSURES (check all that apply)

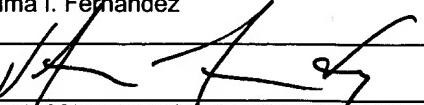
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Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Theodore A. Gottlieb NORRIS McLAUGHLIN & MARCUS, P.A.	
Signature	 Reg. No. 42,597	
Date	March 7, 2003	

CERTIFICATE OF MAILING

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Typed or printed name	Vilma I. Fernandez		
Signature		Date	March 7, 2003

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